

### **REMARKS/ARGUMENT**

Applicant appreciates the Examiner's attention to this application.

The Office Action rejects all of the original claims (i.e., claims 1-29) under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,681,327 to Cary A. Jardin (hereinafter "Jardin"). The present application and Jardin are both assigned to Intel Corporation. Applicant respectfully submits that some or all of those rejections are not well founded.

This response cancels the original claims and enters new claims 30-55 to clarify certain aspects of the claimed invention. Claims 30, 39, and 47 are the present independent claims. To the extent that the rejections in the Office Action might be applied to the present claims, Applicant respectfully traverses. Reconsideration of the present application in view of the enclosed amendments and remarks is respectfully requested.

For a valid rejection under 35 U.S.C. § 102, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." (MPEP § 2131.01, quoting from *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).) Jardin does not disclose all of the features recited in any of the pending claims.

The pending claims of the present application pertain to servers and secure sockets layer (SSL) proxy devices. In particular, the pending claims pertain to dynamically adjusting parameters of the SSL proxy device, based at least in part on the performance of one or more related servers.

For instance, claim 30 recites the operations of "dynamically calculating available capacity of [a] server to process SSL connections," and "based at least in part on the dynamically calculated available capacity of the server, automatically adjusting a configuration parameter of an SSL proxy device in communication with the server to modify how many SSL connections are to be processed by the SSL proxy device on behalf of the server." Independent claims 39 and 47 pertain to the same or similar operations.

While Jardin also relates in general to the use of proxy SSL devices, Jardin does not disclose the operation of dynamically calculating available capacity of a server to process SSL connections. Furthermore, Jardin does not disclose the operation (recited in claim 30) of automatically adjusting the configuration of the SSL proxy device “to modify how many SSL connections are to be processed by the SSL proxy device on behalf of the server.” *A fortiori*, Jardin does not disclose the operation (recited in claim 30) of automatically adjusting how many SSL connections the SSL proxy device is to process, based at least in part on the “dynamically calculated available capacity of the server.”

For at least the foregoing reasons, Jardin does not anticipate claim 30. For the same or similar reasons, Jardin does not anticipate independent claims 39 and 47. In addition, since the dependent claims implicitly include the features of their respective parent claims, Jardin does not anticipate any of the pending claims.

Furthermore, the pending claims recites additional features that are not disclosed by Jardin. For instance, claim 35 depends from claim 30, and further recites operations involving “automatically monitoring workload of the SSL proxy device” and “automatically modifying the maximum number of SSL connections to be processed by the SSL proxy device,” based at least in part on the “dynamically calculated available capacity of the server to process SSL connections” and “the workload of the SSL proxy device.”

**CONCLUSION**

For these and other reasons, claims 30-55 are all in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (503) 439-8778. Early issuance of Notice of Allowance is respectfully requested.

Respectfully submitted,



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